

## REMARKS

The Patent Office issued an Office Action dated December 23, 2010. In the Office Action, the Patent Office rejected Claims 12 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Patent Office rejected Claim 12 under 35 U.S.C. §101.

Applicants would like to thank the Patent Office for indicating that Claims 4, 5, 7 and 11 are allowed by the Patent Office.

In response to the Office Action, Applicants has cancelled Claim 12. Applicants respectfully submit that the cancellation of Claim 12 and explanations below overcome the rejections to the claims. Applicants submit that all of the claims are now in condition for allowance. Notice to that effect is requested.

The Patent Office rejected Claim 12 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Patent Office states the claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Patent Office states Claim 12 calls for each baffle is sized or configured such than a discharge rate through an outlet remains substantially independent of the water depth. The specification clearly fails to enable one skilled in the art to make and/or use the invention as claimed. How is the flow rate independent of the water depth? this is contrary to fluid mechanics. For example,  $Q=AV$ , wherein  $Q$  is the flow rate,  $A$  is the area of opening and  $V$  is the velocity. The velocity is directly related to  $h$  of water depth. Therefore, the Patent Office states one skilled in the art cannot make and/or use the invention as claimed. It is not clear how the baffle sizing or configuration allows the discharge rate to be independent of the water depth. The discharge rate is  $Q=AV$ , wherein  $A$  is the area of opening and  $V$  is the velocity.

Applicants have cancelled Claim 12. Applicants respectfully submit that the rejection is moot in light of the cancellation.

In view of the foregoing remarks, the Patent Office rejection of Claims 12 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement has been overcome. Notice to that effect is requested.

The Patent Office rejected Claim 12 under 35 U.S.C. §101 that the disclosed invention is inoperative and therefore lacks utility. The Patent Office states that Claim 12 calls for each baffle is sized or configured such that a discharge rate through an outlet remains substantially independent of the water depth. The specification clearly fails to enable one skilled in the art to make and/or use the invention as claimed. How is the flow rate independent of the water depth? This is contrary to fluid mechanics. For example,  $Q=AV$ , wherein  $Q$  is the flow rate,  $A$  is the area of opening and  $V$  is the velocity. The velocity is directly related to  $h$  of water depth. Therefore, the Patent Office states one skilled in the art cannot make and/or use the invention as claimed. It is not clear how the baffle sizing or configuration allows the discharge rate to be independent of the water depth. The discharge rate is  $Q=AV$ , wherein the  $A$  is the area of opening and  $V$  is the velocity.

Applicants have cancelled Claim 12. Applicants respectfully submit that the rejection is moot in light of the cancellation.

Claims 5, 7, 11 and 13 depend from Claim 4. These claims are further believed allowable for the same reasons set forth with respect to independent Claim 4 sets forth additional novel steps of Applicants' Drainage Management Systems and Methods.

In view of the foregoing remarks, Applicants respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicants urge the Patent Office to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants request the Patent Office to indicate all claims as allowable and to pass the application to issue.

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Respectfully submitted,

By   
Hani Z. Sayed

Registration No.: 52,544  
RUTAN & TUCKER LLP  
611 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626  
(714) 641-5100  
Patents@Rutan.com